

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEE K. OWENS

Plaintiff,

v.

No. 14-cv-0045 RB/SCY

RAMON C. RUSTIN,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION AND DISMISSING CASE**

THIS MATTER is before the Court on Defendant Rustin's Motion to Dismiss Plaintiff's remaining constitutional claim for denial of access to the courts. *Doc. 20*. On December 16, 2014, Magistrate Judge Steven C. Yarbrough filed a Proposed Findings and Recommended Disposition ("PFRD"). *Doc. 22*. In his PFRD, the Magistrate Judge took judicial notice of Plaintiff's incarceration record and the state court docket of his case, and after considering those documents, advised that the Court grant Defendant's motion because Plaintiff had failed to state a claim. *Id.* Plaintiff has filed no objections to the PFRD, thereby waiving his right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the record, the Court concurs with the Magistrate Judge's findings and recommendations.

IT IS THEREFORE ORDERED THAT:

1. The Court adopts the Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 22*); and,
2. Plaintiff's claims are dismissed with prejudice.


UNITED STATES DISTRICT JUDGE